

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEARRE M. WILLIAMS,

Plaintiff,

-against-

KELLY MURAN; CHRISTOPHER MILLS,

Defendants.

23-CV-10065 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Upstate Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. He sues two Assistant District Attorneys from the Manhattan District Attorney's Office for conduct arising from his criminal case. Plaintiff also alleges that his rights were violated while he was detained at Rikers Island. For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this court a substantially similar complaint against Defendants, alleging the same claims. That case is pending before the Court under docket number 23-CV-10042 (LTS). Because this newly filed complaint raises the same claims as those in the 23-CV-10042 action, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 23-CV-10042.

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSOIN

The Court dismisses Plaintiff's complaint as duplicative of *Williams v. Muran*, No. 23-CV-10042. All other pending matters in this case are terminated.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: November 20, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge